

ORIGINAL

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FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

JUN 03 2008

at 2 o'clock and 30 min. P.M. SUE BEITIA, CLERK

Attorney for Defendant  
ANDY S.S. YIP

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

|                           |        |                             |
|---------------------------|--------|-----------------------------|
| UNITED STATES OF AMERICA, | )      | CR. NO. CR02-00225 DAE (01) |
|                           | )      |                             |
| Plaintiff,                | )      | NOTICE OF MOTION; DEFENDANT |
|                           | )      | ANDY S.S. YIP'S MOTION FOR  |
| vs.                       | )      | STAY PENDING APPEAL OF      |
|                           | )      | RESTITUTION PORTION OF      |
| ANDY S.S. YIP,            | (01) ) | JUDGMENT AND MOTION FOR     |
|                           | )      | EXTENSION OF TIME TO        |
| Defendant.                | )      | SURRENDER FOR SERVICE OF    |
|                           | )      | SENTENCE; MEMORANDUM IN     |
|                           | )      | SUPPORT OF MOTION;          |
|                           | )      | DECLARATION OF COUNSEL;     |
|                           | )      | EXHIBITS A - D; DECLARATION |
|                           | )      | OF THEODORE Y.H. CHINN;     |
|                           | )      | CERTIFICATE OF SERVICE      |

DATE: \_\_\_\_\_  
TIME: \_\_\_\_\_  
JUDGE: DAVID A. EZRA

TRIAL: 8/14/07 - 9/14/07  
SENTENCING: 04/29/08  
JUDGE: DAVID A. EZRA

NOTICE OF MOTION

TO: LESLIE E. OSBORNE, ESQ.  
Asst. U.S. Attorney  
6-100 PJKK Federal Building  
300 Ala Moana Boulevard  
Honolulu, Hawaii 96850

Attorney for Plaintiff  
UNITED STATES OF AMERICA

NOTICE IS HEREBY GIVEN that Defendant ANDY S.S. Yip's Motion for Stay Pending Appeal of Restitution Portion of Judgment and for Extension of Time to Surrender for Service of Sentence shall come on for hearing before the Honorable David A. Ezra, Judge of the above-entitled Court, in his courtroom in the United State Courthouse, 300 Ala Moana Boulevard, Honolulu, Hawaii, on \_\_\_\_\_, \_\_\_\_\_, 2008, at \_\_\_\_\_ o'clock \_\_\_\_\_ .m., or as soon thereafter as counsel may be heard.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

|                           |        |                               |
|---------------------------|--------|-------------------------------|
| UNITED STATES OF AMERICA, | )      | CR. NO. CR02-00225 DAE (01)   |
|                           | )      |                               |
| Plaintiff,                | )      | DEFENDANT ANDY S.S. YIP'S     |
|                           | )      | MOTION FOR STAY PENDING       |
| vs.                       | )      | APPEAL OF RESTITUTION PORTION |
|                           | )      | OF JUDGMENT AND FOR EXTENSION |
| ANDY S.S. YIP,            | (01) ) | OF TIME TO SURRENDER FOR      |
|                           | )      | SERVICE OF SENTENCE           |
| Defendant.                | )      |                               |
|                           | )      |                               |

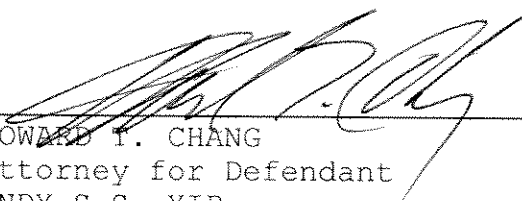
DEFENDANT ANDY S.S. YIP'S MOTION FOR STAY PENDING  
APPEAL OF RESTITUTION PORTION JUDGMENT AND FOR  
EXTENSION OF TIME TO SURRENDER FOR SERVICE OF SENTENCE

DEFENDANT ANDY S.S. YIP, by and through his undersigned attorney, hereby moves this Court for an order for Stay Pending Appeal of the Restitution Portion of the Judgment and for an order Extending the Time to Surrender for Service of Sentence at Prison Camp at Lompoc, California from June 16, 2008 to August 18, 2008. The latter motion is sought to permit Defendant adequate time to confer with newly retained appellate counsel, Theodore Y.H. Chinn. This motion is made pursuant to Rule 8(a) of the Federal Rules of Appellate Procedure and Rule 47 of the Federal Rules of Criminal Procedure.

This motion is based upon the records and papers filed in this action, the Memorandum in Support of Motion, the attached Declaration of Counsel, together with Exhibit "A", the attached Declaration of Theodore Y.H. CHINN, for good cause shown therein

and on such other and further grounds as may be offered at the hearing on this Motion.

DATED: Honolulu, Hawaii, June 3, 2008.



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HOWARD T. CHANG  
Attorney for Defendant  
ANDY S.S. YIP